

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.4580 of 2006

Mr.Vijay @ Munna Ramchandra Yadav

Applicant

Vs.

State of Maharashtra

Respondent

Mr.K.S.Patil for applicant.

Mr.Y.S.Shinde, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 29, 2007.

P.C.

. The complaint filed by Smt. Sheela Laxman Bodke on 14/4/2005 stated that her daughter - the prosecutrix disappeared from the house on 13th March 2005 around 5 p.m. by leaving behind a note that she would commit suicide. C.R.No.54 of 2005, therefore, came to be registered on 14/3/2005 with the Police Station at Hadapsar. On 18/4/2005 the prosecutrix and the accused were seen together near the Pingle Vasti in the vicinity of Hadapsar and both of them were taken to the police station immediately. The medical certificate issued by Dr. Rina Shah of the Sassoon General Hospital at Pune states that the prosecutrix had gone with the accused on her own and they were married, they stayed together for a month or so and when they found that the accused was not

able to secure a stable job, they decided to return to the parents of the prosecutrix to seek blessing for their wedlock. During the course of investigation it is revealed that the accused was already married and he was staying in the neighbourhood of the complainant with his wife. The accused has been in custody from 18/4/2005 onwards. The charge-sheet has been filed in July 2005 and as of now the trial has not yet commenced.

. Along with the charge-sheet a number of documents have been provided and one of them is the certificate issued by the Head Master of Lonkar Madhyamik Vidyalaya at Mundhwa in Pune Municipal Corporation and as per the said certificate the prosecutrix is born on 10/6/1988. This certificate, prima facie, shows that as in March 2005 she had crossed the age of 16 years.

. Under these circumstances, there is no reason why the accused - applicant should be continued in jail when he has been there for the last more than one year and nine months.

. In the result the application is allowed and

it is directed that the applicant - accused be released on bail forthwith on furnishing PR bond in the sum of Rs.5000/- with two solvent sureties for the like amount. It is directed that the applicant shall report to the Hadapsar Police Station once in a week till the trial starts and he shall furnish his detailed address at Pune to the concerned police station while being released on bail.

. Trial is expedited.

(B.H